

February 13, 2008

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Appeal

Name of Petitioner: Glen Bowers
Date of Filing: January 22, 2008
Case Number: TFA-0244

On January 22, 2008, Glen Bowers (Bowers) filed an Appeal from a determination issued to him in response to a request for documents concerning his father, John Wyley Bowers, that Bowers submitted under the Freedom of Information Act, 5 U.S.C. § 552, as implemented by the Department of Energy (DOE) in 10 C.F.R. Part 1004. The determination was issued on December 18, 2007, by the Savannah River Operations Office (SR). This Appeal, if granted, would require that SR perform an additional search for responsive material.

I. Background

Bowers requested employment records for his deceased father, John Wyley Bowers. In his request, Bowers indicated that his father worked with the Department of Defense Union Contractors and the Atomic Energy Commission. Upon receiving Bowers' request, SR expanded its search efforts to include medical and radiation exposure records. SR conducted a search for responsive material, but was unable to locate any employment or radiation exposure records for Mr. John Wyley Bowers. However, SR was able to locate a medical record which it released to Bowers. *See* Determination Letter at 1.

Bowers contends that the search was inadequate. He argues that his father worked for DOE for many years during the 1950s and possibly the 1960s. Bowers provided the name and address of a contractor, Morrison Knudson, that worked at the Savannah River Plant and listed a website "that explains that there was a DOE request for investigation of former workers who were employed at the Savannah River Plant, and could have been exposed to harmful agents." *See* Appeal Letter at 1. In light of this additional information, Bowers asks OHA to direct SR to search again for responsive information related to his father. *Id.*

II. Analysis

In responding to a request for information filed under the FOIA, it is well established that an agency must "conduct a search reasonably calculated to uncover all relevant documents." *Truitt v. United*

States Department of State, 897 F.2d 540, 542 (D.C. Cir. 1990). “The standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. United States Department of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Glen Milner*, 17 DOE ¶ 80,102 (1988).

We contacted SR to ascertain the scope of the search. Bowers originally submitted his FOIA request to the DOE Headquarters FOIA Office (DOE-HQ). DOE-HQ then transferred his request to the relevant field office for action and a direct response to the requester. Bowers’ request was sent to the Washington Savannah River Company (WSRC) for a response. According to SR, WSRC inherited some of the records of its predecessor Management and Operating (M&O) contractor. SR requested that WSRC expand its search efforts to include any medical and radiation exposure records related to Bowers’ father. WSRC conducted a search in three of its departments: Personnel Department, Dosimetry Department and Medical Department. *See* SR Response Letter at 1. WSRC’s Personnel Department maintains various databases for personnel records, including the Peoplesoft System. The Dosimetry Department maintains the personnel dosimetry folders, microfiche records, archived microfiche rolls, and visitor cards and visitor database on employees. Finally, the Medical Department maintains databases of all medical files and documents for the Savannah River Site, including a database for the Atomic Energy Commission. *Id.* WSRC conducted a search using several search aids including Bowers’ father’s name and social security number, and was unable to locate the requested employment records. However, WSRC was able to locate one medical record for the time period of June 14, 1952, and July 11 and 12, 1952. *Id.* This document was provided to Bowers. Based on the information above, we find that WSRC has conducted a search reasonably calculated to uncover any records relating to Mr. John Wyley Bowers. Accordingly, this Appeal should be denied.

It Is Therefore Ordered That:

- (1) The Freedom of Information Act Appeal filed by Glen Bowers on January 22, 2008, OHA Case No. TFA-0244, is hereby denied.
- (2) This is a final Order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

Poli A. Marmolejos
Director
Office of Hearings and Appeals

Date: February 13, 2008